



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

February 26, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment  
DLCD File Number 018-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 6, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Les Wilson, Klamath County

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# 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Klamath County Local file number: CLUP/ZC 1-08  
Date of Adoption: 2/11/2008 Date Mailed: 2/14/2008  
Date original Notice of Proposed Amendment was mailed to DLCD: 12/18/2007

- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment               |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input type="checkbox"/> Zoning Map Amendment                           |
| <input type="checkbox"/> New Land Use Regulation           | <input checked="" type="checkbox"/> Other: <u>GIS ZONE MAP ADOPTION</u> |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adoption of land use (zone) map from printed format into electronic (GIS) format.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".  
If you did not give Notice for the Proposed Amendment, write "N/A".

Including the Goal 5 overlays, Klamath Falls Airport Noise overlay and the Klamath Falls Airport Approach Safety Overlay.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: Klamath Co Outside incorporated areas Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1-14

Was and Exception Adopted?  YES  NO

DLCD File No.: 018-07 (16600)



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

**Klamath County**

Local Contact: **Les Wilson, Director** *LW* Phone: **(541) 883-5121** Extension: **3079**

Address: **305 Main Street** City: **Klamath Falls**

Zip Code + 4: **97601-** Email Address: **lwilson@co.klamath.or.us**

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS  
of KLAMATH COUNTY**

RECEIVED  
FEB 07 2008  
by Board of Commissioners

**IN THE MATTER OF FILE NUMBER CLUP/ZC 1-08**

**FINAL ORDER**

WHEREAS, Klamath County Planning, a division of Klamath County Community Development Department, applicant, requested legislative adoption of an electronic version of the 1984 Zoning Map and successive Overlays (Goal 5 Significant Resources Big Game Winter Range Overlay, Klamath Falls Airport – Kingsley Field Noise Overlay, and Klamath Falls Airport – Kingsley Field Approach Safety Overlay) with all appropriate and subsequent amendments; and

WHEREAS, the electronic version of the 1984 Zoning Map, upon adoption shall be referred to as the Official Klamath County Zoning Map; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 22, 2008 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing to 2,952 property owners, with properties that were identified to have a Zone Map discrepancy; and

WHEREAS, the Klamath County Planning Commission deliberated to a decision, concluding the proposed legislative adoption was consistent with the COMPREHENSIVE PLAN; and

WHEREAS, on January 22, 2008, based on testimony entered and consideration of the whole record, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report. Based upon adoption of its Findings of Fact, the Klamath County Planning Commission concluded the electronic version of the 1984 Zoning Map was a true and accurate representation and no change in official zoning be afforded by this adoption; with the exception that some discrepancies may exist and forwarded a recommendation of approval of File Number CLUP/ZC 1-08 to the Board of County Commissioners; and

WHEREAS, on January 22, 2008, based on testimony entered and consideration of the Findings of Fact adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners APPROVED File Number CLUP/ZC 1-08; with conditions. The Board of County Commissioners as a condition of approval provides and orders the Klamath County Planning Director to continue identifying any zoning discrepancy and make appropriate changes to the Official Klamath County Zoning Map through the Type I Administrative Review process identified in Klamath County Land Development Code Article 22.030, with no fee to the 2,952 property owners identified with a discrepancy; and



**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY  
ORDERS AS FOLLOWS:**

***The Klamath County 1984 Zoning Map is hereby adopted in electronic form with all known amendments; and***

The Klamath County Planning Director hereby is provided the authority to make appropriate, at no fee, (non-rezoning) corrections to those 2,952 properties identified as having possible mapping discrepancy using the Type I Administrative Review process identified in Klamath County Land Development Code Article 22.030.

***The electronic version of Klamath County 1984 Zoning Map shall be hereafter designated as the Official Klamath County Zoning Map; and***

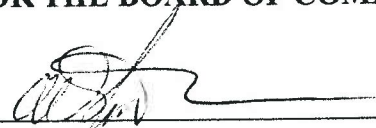
The Klamath County Planning Director shall designate the electronic repository (server or media) for which the Official Klamath County Zoning Map is held.

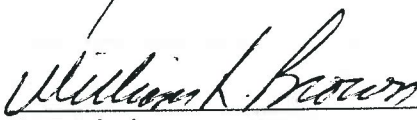
***The Official Klamath County Zoning Map, with this adoption, shall include the following electronic map Overlays:***

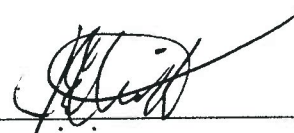
Goal 5 Significant Resources Big Game Winter Range Overlay  
Klamath Falls Airport – Kingsley Field Noise Overlay, and  
Klamath Falls Airport – Kingsley Field Approach Safety Overlay


Dated this 17<sup>th</sup> day of February, 2008

**FOR THE BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

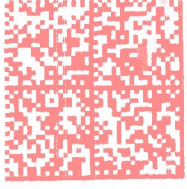
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

Klamath County  
Planning Department  
305 Main Street  
Klamath Falls, OR 97601



049J82030494

\$00.580

02/14/2008

Mailed From 97601

US POSTAGE

DLCD  
PLAN AMENDMENT SPECIALIST  
635 CAPITOL STREET NE SUITE 150  
SALEM OR 97301-2540

97301+2540 C007

